

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

AARON LEE BENSHOOF,

Plaintiff,

v.

**THE BOARD OF COUNTY
COMMISSIONERS OF
GARFIELD COUNTY, SHERIFF
JERRY NILES, and DETENTION
OFFICER JOHN MARKUS,**

Defendants.

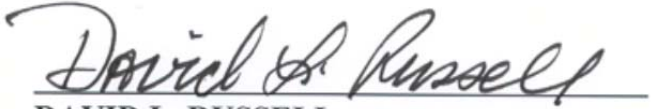
Case No. CIV-16-113-R

ORDER

Before the Court is the Order granting Plaintiff's application to proceed without prepaying fees or costs and the Report and Recommendation of United States Magistrate Judge Suzanne Mitchell. Also before the Court is Plaintiff's Adoption of the Report and Recommendation and Objection. Plaintiff's pleading is largely incomprehensible but it appears that he does not object to dismissal of any of the counts in his Complaint except Count 1. Plaintiff's first cause of action is captioned "The Due Process Clause of the Fifth Amendment was Violated." In his objection, Plaintiff repeatedly claims that his life was endangered by Defendants' actions. Such an allegation is completely frivolous. Plaintiff also claims that Defendants' actions amounted to cruel and unusual punishment under the Eight Amendment even though Plaintiff never pled such a claim. In any event Plaintiff's argument that Defendants' actions resulted in cruel and unusual punishment is plainly frivolous. The Court has reviewed the Report and Recommendation of the Magistrate

Judge *de novo* in light of Plaintiff's objections. The Court fully concurs in the findings and conclusions of the Magistrate Judge. Accordingly, the Report and Recommendation is ADOPTED in its entirety and Plaintiff's Complaint is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

IT IS SO ORDERED this 11th day of March, 2016.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE